

RULE 116.1

DISCOVERY

(a) Voluntary Disclosure by the Government

The government may voluntarily disclose, within thirty (30) days after the arraignment, all material discoverable pursuant to Fed. R. Crim. P. 16.

(b) Requests for Discovery

- (1) Informal Request; Discovery Letter. Requests for discovery shall be presented informally by any party by letter to the opposing party. The opposing party shall reply in writing to the requests contained in such letter, no later than ten (10) days after its receipt stating whether that party agrees or does not agree to furnish the requested discovery. If the party agrees, the reply shall also set forth the date when the party will furnish the requested discovery.
- (2) Agreement. If a party agrees in writing to provide the requested discovery, the agreement shall be enforceable to the same extent as a Court order requiring the agreed-upon disclosure. If a party does not agree to provide the requested information, that party must provide the basis for its position in writing.
- (3) Parties' Duty to Confer. Except in an emergency, before filing any discovery motion, the moving party shall confer with opposing counsel to attempt to eliminate or narrow the areas of disagreement. In the motion, the moving party shall certify that a good faith attempt was made to eliminate or narrow the issues raised in the motion through a conference with opposing counsel or that a good faith attempt to comply with this requirement was precluded by the opposing party's unwillingness to confer.
- (4) Motion. Any discovery motion shall be filed within ten (10) days of receipt of the opposing party's written reply to the letter requesting discovery described in section (b)(1) of this rule, or the passage of the period within which the opposing party has an obligation to reply or the date agreed to furnish discovery. In the event a party files a motion requesting discovery and inspection, same shall include a statement setting forth in detail the statements, reports, tangible objects, or other matters or documents, which are being requested and those which the other party has voluntarily disclosed, and shall include a copy of the discovery request letter and any response. Except in an emergency, no discovery motion, or request for a bill of particulars, shall be filed until the opposing party has failed to provide the requested discovery as agreed, or has failed to respond in writing to a written request.
- (5) Response to Motion. The opposing party must file its response to all discovery motions within ten (10) days of receipt, stating, as to each request, its basis for opposing that request, including citations to authority.

- (6) Multi-defendant Cases. In multi-defendant cases involving more than five (5) defendants no discovery motions shall be filed unless there is demonstrable urgent need for a particular discovery motion, or otherwise ordered by the Court. If a discovery motion is to be filed, the defendant parties must endeavor to the maximum extent possible to file a single consolidated motion. Each defendant need not join in every written request submitted to the government or filed in a consolidated motion, but all defense requests and motions, whether or not joined by each defendant, must to the maximum extent possible be contained within a single document or filing.
- (7) Continuing Duty. Each party is under a duty, when it learns that a prior disclosure was in some respect inaccurate or incomplete to supplement promptly any disclosure required by Court order, these rules, or the Federal Rules of Criminal Procedure.